



DAVID E. DE LORENZO
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March 27, 2007

VIA ECF FILING

Honorable Harold A. Ackerman
United States District Court for the District of New Jersey
U.S. P.O. & Courthouse Building, Room 305
Newark, New Jersey 07101

**Re: *Novartis Corp. et al. v. Teva Pharmaceuticals USA, Inc.*,
Civil Action No.: 04-4473 (HAA)(ES)**

***Novartis Corp. et al. v. Watson Laboratories, Inc. et al.*,
Civil Action No. 06-1130 (HAA)(ES)**

Your Honor:

Plaintiffs Novartis Corporation *et al.* ("Novartis") and Defendant Teva Pharmaceuticals USA, Inc. ("Teva") hereby submit for the Court's consideration a stipulation for a proposed order setting forth a preliminary injunction briefing schedule.

The parties respectfully request Your Honor's execution and entry of the stipulation. The parties also respectfully bring the expedited nature of the schedule to the Court's attention. Briefing is proposed to commence today, March 27. In addition, the parties propose a hearing to be held during the week of May 14, 2007.

Although Novartis does not seek a temporary restraining order at this time, Novartis reserves the right to seek such relief in the future.

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The parties make themselves available at the Court's convenience to discuss the proposed preliminary injunction scheduling. We thank the Court for its continued attention and courtesies.

Respectfully,

A handwritten signature in black ink, appearing to read 'David E. De Lorenzi', with a stylized, sweeping flourish at the end.

David E. De Lorenzi

cc: Hon. Esther Salas (via facsimile)
Thomas L. Creel, Esq. (via email)
Ira J. Levy, Esq. (via email)
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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

NOVARTIS CORPORATION,
NOVARTIS PHARMACEUTICALS
CORPORATION, and
NOVARTIS INTERNATIONAL AG,

Plaintiffs,

v.

TEVA PHARMACEUTICALS USA, INC.,

and

WATSON LABORATORIES, INC. and
WATSON PHARMACEUTICALS, INC.,

Defendants.

Civil Action No. 04-4473 (HAA) (MF)

[Proposed] Stipulated Order

WHEREAS, Plaintiffs Novartis Corporation, Novartis Pharmaceuticals Corporation, and Novartis International AG (“Novartis”) initiated this action by alleging infringement of United States Patent No. 6,162,802, which is, according to the Orange Book, scheduled to expire on December 19, 2017;

WHEREAS, pursuant to 21 U.S.C. § 355 (j)(5)(B)(iii), the thirty-month stay of Federal Food and Drug Administration approval of the Abbreviated New Drug Application (“ANDA”) No. 77-179 of Defendant Teva Pharmaceuticals USA, Inc. (“Teva”) has already expired;

WHEREAS, United States Patent No. 4,879,303, according to the Orange Book, expired on March 25, 2007; and

WHEREAS, the Parties desire to set a briefing and hearing schedule on a motion for a preliminary injunction to be filed by Novartis.

Now, THEREFORE, it is hereby Stipulated, Agreed, and Ordered by the Court that:

The Parties jointly propose the following schedule for briefing and a hearing on the motion for preliminary injunction:

Motion and Supporting Papers	March 27, 2007
Opposition and Supporting Papers	April 13, 2007
Reply	April 24, 2007
Sur-Reply	May 1, 2007
Hearing	Week of May 14, 2007

The Parties further propose the motion and opposition be limited to 55 pages in twelve-point font and the reply and sur-reply be limited to 25 pages in twelve-point font.

The Parties agree that, other than as expressly stated herein, nothing shall limit a Party's rights, including Novartis' right to seek a temporary restraining order.

IT IS HEREBY STIPULATED:

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Novartis Corp., Novartis
Pharmaceuticals Corp., and
Novartis International AG*

So Ordered.

Harold A. Ackerman, U.S.D.J.